

UNITED STATES DEPARTMENT OF COMMERCE **Patent and Trademark Office**

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR			ATTORNEY DOCKET NO.	
09/364,794	07/30/99	BERGE		J	7480-PA1CP2	
_		DM00.40700			EXAMINER	
PM82/0728 ' JAMES W MCLAIN				SHAPIRO	o,J	
BROWN MARTIN	N HALLER &	MCCLAIN	LLP	ART UNIT	PAPER NUMBER	
1660 UNION S SAN DIEGO CA				3651	7	
			DATE MAILED	: 07/28/00		

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Application/Control Number: 09/364,794

Art Unit: 3651

DETAILED ACTION

The reply filed on 7/18/00 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s).

- 1.) There can be no provisional amendments or provisional combination of claims. Either an amendment is an amendment or it is not. It is requested that election of claims be listed, i.e., 1, 3, 7.... Any amendments made to any of the elected claims are to be submitted separately from said election.
- 2.) Examination of claims in the present application will be done in accordance to the Manual of Patent Examining Procedure (MPEP). For example, the listed conditions suggested by Applicant are not recognized by the Examiner as they are not guidelines recognized by the MPEP.

See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey A. Shapiro whose telephone number is (703)308-3423. The examiner can normally be reached on 9:00 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher P. Ellis can be reached on (703)308-2560. The fax phone numbers for the organization where this application or proceeding is assigned are

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(703)308-0552 for regular communications and (703)308-0552 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-

1113,

Jeffrey A. Shapiro Patent Examiner, Art Unit 3651

July 25, 2000

CHRISTOPHER P. ELLIG PRIMARY EXAMINED